

LAW OFFICE  
THOMAS F. MCFARLAND, PC.  
208 SOUTH LA SALLE STREET - SUITE 1890  
CHICAGO, ILLINOIS 60604-1112  
TELEPHONE (312) 236-0204  
FAX (312) 201-9695  
mcfarland@aol.com

THOMAS F. MCFARLAND

223372

August 26, 2008

By e-filing

Anne K. Quinlan, Esq.  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W., Suite 1149  
Washington, DC 20024

Re: Docket No AB-497 (Sub-No. 4X), *Minnesota Northern Railroad, Inc --  
Abandonment Exemption -- in Norman County, MN*

Dear Ms Quinlan:

Hereby forwarded is a copy of an environmental comment in the above proceeding in the form of a letter to me dated August 18, 2008 from Mr. Robert J. Whiting, Chief, Regulatory Branch, Department of the Army, Corps of Engineers, to the effect that a Department of the Army permit is not required for salvage of track materials in the event of a grant of the Petition for Exemption of abandonment.

Very truly yours,

*Tom McFarland*

Thomas F. McFarland  
*Attorney for Petitioner,  
Minnesota Northern Railroad, Inc*

TMcf kl enc wp8 0\1319\efstb1

cc: Ms Victoria Rutson - STB, Environmental Section  
Mr George LaPray - Minnesota Northern Railroad, Inc



**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**SIBLEY SQUARE AT MEARS PARK**  
**100 FIFTH STREET EAST, SUITE 401**  
**ST. PAUL MINNESOTA 55101-1638**  
**18 August 2008**

**RECEIVED**

**AUG 25 2008**

**McFARLAND, P.C.**

**REPLY TO**  
**ATTENTION OF**  
**Operations**  
**Regulatory (2008-03941-RQM)**

**Mr. Thomas McFarland**  
**208 South LaSalle Street Suite 1890**  
**Chicago, Illinois 60604-1112**

**Dear Mr. McFarland:**

We have reviewed information about the abandonment of a rail line owned by Minnesota Northern Railroad, Inc. In a conversation with Mr. McFarland on 18 August 2008, it was ascertained that there would be no disturbance of soil or side-casting of abandoned materials into Waters of the United States in conjunction with this project. The project site is in Sec. 19, 30, 31, T. 146 N., R. 48W., Sec. 6, 7, 18, 19, 30, 31, T 145N R 48W., Sec. 1, T 144N., R 49 W., Sec. 6, 7, 18, 19, 30, 31, T 144 N. R 48 W., Sec. 6, 7, 18, 19, 30, T 143N R 48W., Norman County, Minnesota.

The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material, including that associated with mechanical land clearing, will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.


The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

Operations  
Regulatory (2008-03941-RQM)

- 2 -

Thank you for your cooperation with the U.S. Army Corps of Engineers regulatory program. If you have any questions, contact Robert Maroney in our Brainerd Field office at (218) 829-2711. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

*for*   
Robert J. Whiting  
Chief, Regulatory Branch